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Art Unit 2482   Customer No. 24498
Response to OA dated 12/22/2010

REMARKS

Claims 33-60 remain in this application and currently stand rejected. Applicants respectively traverse the rejections in view of the remarks below.

35 U.S.C. § 102(b) of Claims 33-39, 43-57, 50-51 53-57 and 59-60

Claims 33-39, 43-57, 50-51 53-57 and 59-60 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 7,606,313 to Arvind Raman et al, hereinafter, the Raman et al. patent. The examiner contends that the Raman et al. teaches applicants' weighted prediction for error concealment based on the weighted prediction decoding, therefore anticipating applicants' claims. Applicants respectfully disagree.

Applicants submit that the Raman et al. patent teaches the use of weighted prediction for error concealment. However, the weighted prediction disclosed by Raman et al. does not constitute applicants' feature of:

> weighting the at least one macroblock in *accordance with the weighted prediction decoding with at least one reference picture* to yield a weighted prediction for concealing a macroblock found to have pixel errors (emphasis added).

At best, Raman teaches a concealment technique which makes use of an estimated sum weighted inversely in accordance with distance between the pixel being estimated, and the pixel used for estimation. (See Col. 4, lines 43-50 of Raman et al.). Alternatively, Raman et al. weighs the pixels as a function of the pixels in an undamaged portion of the macroblock. (See Col. 8, lines 48-58 of Raman et al.)

Neither of the above-cited portions of Raman et al. including the cited portion at Col. 8, lines 48-58 relied upon by the examiner, or any other portion of the Raman patent teaches weighing the macroblock **in accordance with the macroblock decoding** to yield a weighted prediction for concealment as recited in claim 55. In particular, Raman et al. says nothing about weighing the macroblock **in accordance weighted prediction decoding** as recited in claim 33 and claim 54. The weighting performed by Raman et al. occurs in connection with pixels in the reference picture, not in accordance with decoding.

With regard to anticipation, the Federal Circuit has mandated that "Anticipation requires the presence in a single prior art reference disclosure of <u>each and every element of</u>

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the claimed invention, arranged as in the claim" (*Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1983)) (emphasis added). The examiner's anticipation rejection fails because the examiner has not shown that the Raman et al. patent discloses all of the elements of applicants' claims, including the feature of weighting in accordance with decoding. Therefore, claims patentably distinguish over the art of record. Applicants' respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection of claims 33-39, 43-57, 50-51 53-57 and 59-60.

35 U.S.C. § 103(a) Rejection of Claims 40-42, 48-49, 52, and 58

Claims 40-42, 48-49, 52, and 58 stand rejected under 35 U.S.C. § 103(a) as obvious over the Raman et al. patent, as discussed above, in view of US Published Application 20030215014 in the Shinichiro Koto et al. Applicants respectfully traverse the rejection.

Claims 40-42 and 48-49 and 52 depend from claim 33 and incorporate by reference all of the features thereof, including the feature of:

> weighting the at least one macroblock in accordance with the weighted prediction decoding with at least one reference picture to yield a weighted prediction for concealing a macroblock found to have pixel errors.

Claim 58 depends from claim 55 and incorporate by reference all of the features thereof, including the feature of:

> an error concealment parameter generator for generating values for weighting at least one macroblock from a reference picture using one of a first and second weighting modes in accordance with the decoding of the macroblocks for concealing a macroblock found to have pixel errors.

Thus, claim 55 includes the feature of weighing the macroblock from a reference picture in accordance with the decoding of the macroblocks.

As discussed above with respect to the 35 U.S.C. § 102(b) rejection of claims 33-39, 43-57, 50-51 53-57 and 59-60, the Raman et al. patent says nothing regarding weighing the macroblock in accordance with decoding. The Koto et al. published application does nothing to cure the deficiency of Raman et al. At best, the Koto et al. published application concerns a video encoding method that extracts a reference macroblock from a plurality of frames to generate reference blocks which are weighted and summed to yield a predictive macroblock.

Applicants' acknowledge the teaching in Koto et al. of predictive decoding, which is well known in the art. However, Koto et al. says nothing about error concealment, and thus, would not provide the missing teaching in Raman et al. regarding weighing of a macroblock in accordance with decoding, and particularly, weighted prediction decoding to yield a weighted prediction for concealment. The complete failure of Koto et al. regarding any mention of error concealment would certainly not lead a skilled artisan to conceive of the examiner's proposed combination of Raman et al. and Koto et al. For this reason as well, applicants' claims 40-42 and 48-49, 52, and 58 patentably distinguish over the art of record. Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of these claims.

Conclusion

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicant's attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

No fees are believed due with regard to this Amendment. Please charge any fee or credit any overpayment to Deposit Account No. **07-0832.**

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Respectfully submitted,
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